

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

KIMBERLY ALSTON, : Case No. 3:16-cv-205
Plaintiff, :
vs. : District Judge Walter H. Rice
: Magistrate Judge Sharon L. Ovington
NANCY A. BERRYHILL, :
COMMISSIONER OF SOCIAL :
SECURITY, :
Defendant. :

DECISION AND ENTRY

This case is before the Court on the parties' Joint Stipulation for an Award of Attorney's Fees Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (Doc. #17). Specifically, the parties stipulate and petition this Court under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, to enter an order awarding Plaintiff \$3,750.00 (three thousand seven hundred fifty dollars) in attorney fees, costs, and expenses. The award of attorney fees, costs, and expenses will fully satisfy and settle any and all of Plaintiff's claims under 28 U.S.C. § 2412 that may be payable in this case.

Any fees paid belong to Plaintiff and can be offset to satisfy any pre-existing debt that Plaintiff owes the United States, pursuant to the decision in *Astrue v. Ratliff*, 560 U.S. 586, 130 S.Ct. 2521 (2010).

After the Court enters this award, if counsel for the parties can verify that

Plaintiff owes no pre-existing debt subject to offset, the Defendant agrees to direct that the award be made payable to Plaintiff's attorney pursuant to an EAJA assignment duly signed by Plaintiff.

IT IS THEREFORE ORDERED THAT:

1. The Parties' Joint Stipulation for an Award of Attorney's Fees Pursuant to the Equal Access to Justice Act (Doc. #17) is accepted and the Commissioner shall pay Plaintiff's attorney fees, costs, and expenses in the total amount of \$3,750.00;
2. Counsel for the parties shall verify, **within thirty days of this Decision and Entry**, whether or not Plaintiff owes a pre-existing debt to the United States subject to offset. If no such pre-existing debt exists, Defendant shall pay the EAJA award directly to Plaintiff's counsel pursuant to the EAJA assignment signed by Plaintiff; and
3. The case remains terminated on the docket of this Court.

IT IS SO ORDERED.

Date: 10-4-17



Walter H. Rice
United States District Judge